

# CHURCH AND STATE

A MONTHLY REVIEW



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## U. S.-Haiti Treaty Omits Religious Freedom Clause

"It is true that clauses specifically guaranteeing freedom of worship for United States nationals in Haiti were not included . . .," a State Department official conceded on March 31 as he sought to explain the omission from a Treaty of Friendship, Commerce and Navigation signed in Port-au-Prince on March 3 by Vice-President Richard M. Nixon and other officials of the United States and Haiti. Replying to an inquiry from *Church and State* Managing Editor Stanley Lichtenstein, Chief Howard A. Cook of the State Department Public Services Division wrote:

"The fact that provisions on religion were not included in the treaty resulted basically from serious concern on the part of the Haitian Government regarding two points: (1) that certain types of religious manifestations tend to disturb public order and create risks to public safety among the people of Haiti, and (2) that the raising of religious questions in a treaty with a foreign country would create the danger of a religious controversy in Haiti having political aspects that would seriously embarrass the Government. We could not doubt the sincerity of the Haitian officials in their expressions of serious concern over these matters nor question their analysis of their own political situation."

Cook indicated that during the negotiations Haitian officials proposed that religious rights be stated "in terms reflecting provisions of their Constitution and laws," but that the State Department felt that such terms "would be considered in this country an unsatisfactory statement of the principle of religious liberty as it is understood here." As a means of resolving the impasse, he continued, the State Department decided to cease "haggling over the words in which the right of freedom of worship should be stated" and to conclude the treaty as expeditiously as possible. Relying on their understanding that "the Constitution and laws of Haiti provide basic assurances of religious freedom," and confident that "other

provisions of the treaty . . . provide valuable assurances for Americans that may be engaged in religious activities in Haiti," State Department negotiators felt that the ensuing agreement did not compromise American principles. If they had insisted on "strong" religious liberty provisions, Cook's letter asserted, they might have "exacerbate[d] religious controversies in [Haiti], thereby resulting in an actual deterioration of the situation with respect to religious liberty."

### Concordat

If the Haitian Constitution is read carefully, however, it will be seen that its religious liberty provisions are vitiated by Article 20, which concludes with the following clause: "The Catholic religion, professed by the majority of Haitians, enjoys a special position as a result of the Concordat [with the Vatican]." No nation which accords a "special position" to one religion can be said to enjoy genuine freedom of conscience. Readers of *Church and State* (October, 1953; March, May, July, September and October, 1954) are already familiar with the typically tyrannical provisions of the concordats between the Vatican and various governments.

Then, too, the wording of the State Department's explanation is ominously vague. What was behind the Haitian negotiators' argument "that certain types of religious manifestations tend to disturb public order and create risks to public safety among the people of Haiti"? In Roman Catholic countries like Italy, Spain and Colombia public worship by non-Catholics is suppressed by police au-

thorities acting invariably in the name of "public order" and "safety," and it appears that Haiti did not wish to have any clause in the treaty which might embarrass her police in similar actions. If Haiti really assured complete religious liberty for all, the extension of its guarantees to American nationals in the country would not "create the danger of a religious controversy in Haiti having political aspects that would seriously embarrass the Government." Why should any democratic government be "embarrassed" by such a clause?

The closing paragraph in Cook's letter to Lichtenstein indicates that new treaties now being drafted may involve the same problem. "The Department intends to continue to seek to include provisions on religion in

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## Man of 'Infinite Worth' Honored at Capital Fete



Senator Price Daniel of Texas is shown above (left) shaking one hand of Dr. Joseph M. Dawson (center) as Earl F. Adams, Washington representative of the National Council of Churches, shakes the other at a testimonial breakfast in Dr. Dawson's honor in the Senate restaurant on April 25. Senator Daniel recalled that as a young man he had heard Dr. Dawson preach a sermon in his native Texas on "The Infinite Worth of the Individual Man" and was influenced by it more than anything else he had ever heard. As a POAU leader as well as Baptist Washington representative Dr. Dawson has helped shape national events for many years, and POAU joined with many other organizations in acclaiming him as he prepared to return to his home state.

## 'Referendum' Cry Clouds Birth Control Struggle

Some citizens of Connecticut think that birth control is "sinful," while others think it is a moral imperative. Under existing state law dating back three-quarters of a century, the religious view of the former group is forced upon all the citizens of the state. Like many other questions of personal liberty, this one is easily confused and it is unfortunate that recent testimony by both sides at a legislative hearing was diverted from the main issue.

Opponents of repeal expressed confidence that a majority of voters believe in the ban and challenged repeal forces to write a referendum provision into their bills. Birth control advocates replied that the existing law is upheld only by a religious minority. Attorney Joseph P. Cooney of the Hartford Roman Catholic Archdiocese then commented:

"We are not trying to enact into law our religious beliefs. This law was enacted many years ago when there were few Catholics in the legislature and in the state."

Untouched by this part of the discussion was the central question: Is it proper for the state to tell married couples that they may not plan the size of their own families? If it were proper for the state to do this, then it would be proper for the state to tell its citizens whether they may be Roman Catholics, Protestants, Jews or anything else. It is wrong to submit any question of this kind to popular referendum.

Senators James Whelan and Milton E. J. Reinhard, Jr., both Democrats, predicted that this year's repeal bills would meet the same fate as previous ones—death at the hands of the Democratic-controlled Senate even if passed by the Republican-controlled House.

The Rev. C. Lawson Willard of New Haven, an advocate of repeal, scored opponents for seeking to "give the impression that we are against children." "I have six children myself," he observed. "We are not against having children. What we want is to give the mothers who are now dying at childbirth a chance at life." Dr. William Billings of Yale University Medical School, and Dr. Hilda Standish of West Hartford, expressed agreement. "When we became doctors," Dr. Standish declared, "we took an oath to care for our patients to the best of our ability. We can't do this in Connecticut without break-

ing the law." Rabbi Raphael Hillman of Westport argued that it is "bigotry" to deny him or his co-religionists the right to apply the precepts of their own religion in the matter of family planning.

Archdiocesan Attorney Cooney said that Roman Catholics were not alone in opposing birth control, and specifically mentioned Orthodox Jews and Lutherans as being in agreement. Dr. Frederick Barrett of Jewett City testified that "modern medicine" makes birth control unnecessary and that in any event, "what was wrong fifty years ago is still wrong today." Dr. Gerald M. Chartier of Danielson, a surgeon and father of twelve children, also said he was "convinced that birth control is morally wrong." The Norwalk and Bridgeport Roman Catholic dioceses joined the Hartford Archdiocese in expressing opposition to the repeal measures.

Massachusetts is the only other state which prohibits doctors from giving contraceptive information to patients.

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## How to Plug 'Holes' In School Aid Bills

Congressmen and Senators who are currently considering federal school aid legislation may be alerted to defects in some of the bills if groups of citizens adopt a resolution like the following, which POAU offers as a model:

"Resolved, that legislation for federal aid to education should in every case make clear that 'public,' as distinguished from private and parochial, education is to be the sole beneficiary of the federal aid, and that the only exceptions to this rule should be legislation designed to further scientific or other research at institutions of higher learning in the interest of national defense, public health or general welfare under circumstances where it would be clear that public funds would not be used for the propagation of sectarian doctrines or the enrichment of sectarian institutions; and,

"Resolved, further, that government grants to former servicemen for the completion of their interrupted educational careers should not be used as a 'precedent' for the granting of educational aid to parochial school pupils, theological seminary students or other individuals who have not served in the armed forces and therefore are not entitled to the special recompense which is given to former servicemen; and,

"Resolved, further, that S. 772, the Hill 'oil-for-education' bill (not to be confused with S. 5, the Hill school construction bill which does describe the institutions to be aided as 'public'), should not be passed unless it is amended to insure that the untold millions in federal revenue which are expected to come from the Outer Continental Shelf oil resources are not used to aid sectarian schools; and, further, that the bill, H. R. 1791, by Representative Fogarty of Rhode Island, providing for aid to school construction, and other bills which likewise omit the word 'public' from the description of 'education,' should all be defeated unless they are amended so as to aid public schools only."

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## Post Office Lifts Ban On Anti-Clerical Book

Solicitor Abe McGregor Goff of the United States Post Office Department has reversed his own ruling that Avro Manhattan's book, *Catholic Imperialism and World Freedom* (Watts and Company, London, England, 1952), was "nonmailable." After receiving a copy of the March issue of *Church and State*, with its story demonstrating the "doubtful constitutionality" of the ban, Goff wrote to Managing Editor Stanley Lichtenstein on April 1, stating:

"This matter has again been reviewed and I have decided to reverse the original ruling, so that further mailings of the said book received from abroad will be delivered."

Goff did not elaborate further.

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CHURCH AND STATE

## NEWS From Far and Near

◆ Appealing to the Illinois Appellate Court, Mr. and Mrs. De Wayne Cooper of Belvidere are seeking to overturn a lower court decision denying their right to adopt Mary Kathryn and Margaret Ann Hinrichs because the one-year-old twins are "Roman Catholics" while the Coopers are Protestants (*Church and State*, April). The appeal challenges the lower court proceedings by which a private institution (Catholic Charities of the Rockford diocese) was allowed to intervene in the case when it did not have custody of the children nor any legal relationship with the parties to the dispute.

◆ An annual lump subsidy of 7.7 million marks (1.85 million dollars) will be paid to five German evangelical churches under an agreement recently concluded with Lower Saxony. The money will be used for pastors' salaries and other purposes. An additional 5.5 million marks (1.3 million dollars) will be given in a single government payment to the churches, in return for which they have agreed to renounce other financial claims and to manage their own properties. "Church taxes" will continue to be collected by the government. Lutheran and Reformed churches are the beneficiaries of the agreement, which is the first post-war church-state pact in Germany. It was signed at Loccum (Lutheran) Monastery, near Hanover.

◆ A bill recently signed into law by Maryland Governor Theodore R. McKeldin permits the Montgomery County board of education to allow use of public school buildings for religious, political and electoral purposes. The new law negates an attorney general's ruling against this practice, which had involved Montgomery County Unitarian, Jewish and Lutheran groups (*Church and State*, March).

◆ The Roman Catholic Church and the Argentine government traded totalitarian blows last month. Bishop Froilan Ferreira Reinafe of La Rioja excommunicated pro-government Editor Juan Marinero and all "moral and financial collaborators" with him in the publication of "Gaceta Riojana" and its anti-church "campaign of libels and insults." In parallel action, the Peron government arrested the Rev. Antonio Lorenzo Frattin of Rafaela, Santa Fe Province, for evincing "disrespect" ("desacato") of General Peron. At least 15 others had been arrested before him.

◆ Abandonment of the public school system as a means of preventing racial integration would be "unthinkable," Virginia Lieutenant Governor A. E. S. Stephens declared recently. "We should, throughout, be ever mindful of the true role of public education in our democracy . . .," he said.

◆ A "hunger strike" by an Israeli citizen has focused renewed attention on rabbinical domination of marriage in Israel. Moshe Barak, a 27-year-old Rumanian-born Jew, threatened a fast to the death because he was told he could not legally marry a Yugoslav-born girl belonging to the Greek Orthodox Church. Although Barak finally relented and let hospital attendants feed him on the tenth day, his action pointed up the need for liberalization of the law.

◆ Jehovah's Witnesses were turned back by the West Virginia Supreme Court in their effort to compel the Kanawha County board of education to allow them to meet in public school buildings. They had contended that the board followed a discriminatory policy by allowing "other religious organizations and ministers to use said property," but a lower court upheld the board's statement that it lacked authority to lend school property for religious use, and the state's highest court declined to review the case.

◆ Ten Belgians were arrested in Antwerp on April 17 as some 20,000 Roman Catholics continued to hold demonstrations against the government's proposal to reduce subsidies to religious schools. Frans van Cauwelart, aged former president of the Belgian lower house, led the marchers, who had a permit to parade. Boycott tactics have been threatened against the government, and have already been employed against the "Epargne Scolaire," the school penny savings program.

## U. S. Passive on Rome Church Sign Dispute

People in the United States, where it is not necessary to consult policemen on the forms of religious activity which may be followed, will find it hard to understand the explanation offered recently by the Public Services Division of the U. S. State Department regarding the church "sign" dispute in Italy (*Church and State*, April).

"The Italian authorities suggested a compromise solution to the problem of the sign which, according to press reports, the American representatives of the Church of Christ in Rome did not accept," observed the State Department. "The latter is represented by a capable Italian attorney and efforts to reach a solution satisfactory both to the Italians and to the Church of Christ representatives are continuing in Rome, with the active assistance of our Embassy."

This passage recognizes that there is a "problem" to which a "solution" must be found, but the State Department contradicts itself by saying in other passages that it "knows of no case in Italy where Americans are denied the right to worship as they please" and that the matter is one for Italian jurisdiction not involving any issue of freedom of worship. If this were true, then there would be no basis for intervention.

"In fact," says the State Department, "the Church of Christ in Rome is open for public worship." As the Department sees it, there "may have been a general misunderstanding which has led both the public and the press to confuse the question of freedom of worship with that of placing a sign on a building in Rome."

But who does not recognize that freedom of worship includes freedom to publicize one's worship—to announce the time and place of services and so identify the building in which the worship takes place? Non-Catholics in Italy—both natives and foreigners—do not have this freedom. The only "right" they have is to go humbly to the police to ask permission to worship. This the police may refuse altogether, or may grant permission with strings attached—such as, a stipulation that the Church of Christ may erect an identification sign only if the sign's wording is satisfactory to the police. The victims of police restrictions have included Italians and Americans together, and no dissenter may worship freely.

## St. Louis Chapter Does Bang-Up Job



That's a "POAU Special" shown above, about to leave Union Station in St. Louis on March 29 for the Jefferson City hearing on a parochial school bus transportation proposal, House Bill 100. Chapter Secretary Victor B. Harris (left) and President J. Edwin Hewlett led the caravan of opponents to the capital to register their protest, and more than 1,200 persons packed the House chamber to witness the event. Chairman of the committee on arrangements for the special train was the Rev. O. R. Shields, pastor of Lafayette Park Baptist Church and vice-president of the Southern Baptist Convention.

Though this session followed an earlier one at which a crowd of supporters appeared and was in turn followed by another and "final" hearing packed (again) by supporters of the bill, opposition testimony was so effective that, as of this writing, the House public schools committee has voted to postpone further consideration of the measure until May 9 or later, which would make passage in the current session extremely unlikely. The postponement was protested bitterly by Representative Jennie S. Walsh of St. Louis, author of the bill, and Representative Harry Keller of Jackson County. The latter cried, "If you're going to kill the bill, why, in the name of God, don't you go ahead and kill it instead of just delaying action?"

At the March 29 hearing Curtis Tendall of Cabool, Texas County, in-

troduced opposition speakers, including Victor B. Harris and J. Edwin Hewlett of the St. Louis POAU Chapter; Robert Kroening, St. Louis attorney of the Evangelical and Reformed Church, Missouri Valley Synod; the Rev. Thomas P. Lindsay of Kansas City, minister of Linwood Presbyterian Church and church council president; the Rev. Robert E. Schlichter of Kansas City, United Lutheran Church mission organizer; and the Rev. W. Ross Edwards, Kansas City POAU Chapter president. These were followed by other opposition speakers, including Harold C. Hanke of St. Louis County, representing the St. Louis Civil Liberties Committee; the Rev. G. H. Towell of the Churches of Christ, Kansas City; and the Rev. Andrew A. Melenendez, an officer of the Lutheran Church, Missouri Synod, who stressed, however, that he appeared not "officially or congregationally, but as one who has children in a parochial school."

POAU's national organization is proud and grateful for the vigorous, effective and courageous action of its St. Louis and Kansas City chapters, which made common cause with other organizations in preventing the passage of this very dangerous bill.

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### Jersey Bill Provides For New Hospital Deals

Following the completion—after considerable controversy—of the "deal" for turning over the facilities of Jersey City's mammoth Medical Center to Seton Hall (Roman Catholic) University (*Church and State*, April, June, July, September and December, 1954), a bill has been introduced in the New Jersey legislature by Senator Bruce A. Wallace of Merchantville to open up further avenues by which publicly-owned hospitals may "affiliate with colleges of medicine or colleges of medicine and dentistry, licensed in the State, and enable both hospitals and colleges to initiate policies of mutual cooperation and assistance, and to contract for the integration and performance of services, functions and operations of both as the public interest may require."

The Senate bill (No. 217) authorizes the "board of chosen freeholders of any county or the governing body of any municipality, wherein a public hospital is located under the control of the said board or governing body . . . to contract for the affiliation of such hospital with any corporation licensed in this State to conduct a college of medicine or a college of medicine and dentistry," and spells out specific functions which may be covered by the contract.

The Jersey City-Seton Hall contract provides for leasing the Medical Center for \$275,000 annually for a period of 50 years and is being contested in the courts by John Gimenez, sexton of the Lafayette Methodist Church.

Gimenez contends that the city cannot legally delegate its responsibility for managing the medical center to an outside party and that in any case the rental fee is "grossly inadequate." The Rev. Paul Jewett, pastor of Emory Methodist Church, heads a citizens' fact-finding committee in the case.

### French Bishops Renew Subsidies Campaign

"Effective liberty" for Roman Catholic schools in France requires government subsidization, Clement Emile Cardinal Roques, archbishop of Rennes and president of the Episcopal Commission for Church Schools, told the third Congress of Church Schools meeting in Poitiers recently. A resolution adopted by the group declared: "Every private service of benefit to the community should receive its just part of public funds in a democracy."

Coadjutor Bishop Henri Vion of Poitiers praised the participants in recent Belgian riots against a government move to reduce church school subsidies (see picture in this issue and story in "Church and State," April). Citing pontifical and episcopal directives on education, he said "only the Christian school is completely satisfying to Christians."

Also attending were Bishop Emile Blanchet, rector of the Catholic Institute of Paris; Archbishop Paul M. Richaud of Bordeaux; and Bishop Henri Chappoulie of Angers.

### Haiti

(Continued from page 1)

our treaties of friendship, commerce, and navigation," Cook notes. "In the four or five treaty projects now in an advanced stage of negotiation with other countries, there has been no indication of serious objections to the proposals we have made on the subject of religion."

*Church and State* will watch the emergence of these new treaties with interest, and hopes that a more forthright stand on religious liberty will not be considered "indelicate" by the State Department.

## One Prelate Sees 'Plot,' Other Sees 'Partnership' of Two School Systems

Five days after one Roman Catholic archbishop warned of an international "plot" to destroy parochial and exalt public schools, another Roman Catholic archbishop was extolling the "partnership" which allegedly brings the two systems into cooperative relations.

In an Easter sermon at the Cathedral of Saints Peter and Paul, Philadelphia Archbishop John F. O'Hara assailed the great "expense" of public education and charged that the "enemies of our [Roman Catholic] children" were seeking to reverse a 1925 Supreme Court decision which, he said, proclaimed the "natural law" that the child is not the creature of the state. But Archbishop Leo Binz of Dubuque, Iowa, told the 52nd annual convention of the National Catholic Educational Association in Atlantic City on April 15 that public and parochial schools are partners serving education and democracy and that "each have their contribution to make to the national strength and security."

Archbishop O'Hara's reference was to the Supreme Court decision in the case of *Pierce vs. Society of Sisters*, holding unconstitutional an Oregon law requiring all children to attend public schools. This decision did not in any way limit the power of the state to impose taxes for the upkeep of public schools nor did it imply any obligation on the part of the state to support non-public schools, but sectarian special pleaders habitually read such an implication into it. The Court observed: "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." But Archbishop O'Hara and his colleagues regard the child as the "mere creature of the Church," and do not recognize the right of "those who nurture him"—his parents—to send the child to a public school without ecclesiastical permission (Canon Law 1374). In his sermon the Philadelphia archbishop also denied what American courts clearly uphold—the right of the state to regulate public and non-public schools and child-care institutions in the interest of public welfare. Archbishop O'Hara declared that proposals to license non-public schools were akin to the "attempt, successful in some states but defeated in Pennsylvania, to license private social agencies that care for children in need—to license them, and thus have administrative power of life or death over them, and to call them to judgment every 12 months."

Here, too, Archbishop O'Hara's remarks do not jibe with Archbishop Binz' talk of "partnership" between public and parochial school systems, nor with a resolution adopted at the Atlantic City convention calling for the maintenance of high standards in both systems. As POAU's survey and analysis of this problem last year pointed out, (*Church and State*, September, 1954) standards can best be maintained by exercising the state's power to regulate and inspect non-public as well as public schools.

Archbishop O'Hara further beclouded the issues by his references

to foreign countries which, he said, display a "common pattern of assault against Catholic schools" like that which he sees in the United States. He mentioned Belgium, England (since World War II), South Africa, the Belgian Congo and Argentina—in each of which it has been the practice to subsidize church schools. The "assault" in each case takes the form of a governmental move to cut or eliminate the subsidies, and the archbishop's attitude is like that of an alms-seeker who complains that persons who decline to assist him are therefore "attacking" him. (It is true that the Argentine and South African governments are proceeding from totalitarian motives in their "reconsideration" of the subsidies, rather than out of a regard for separation of church and state—but the Roman Catholic Church condemns "totalitarianism" only when it eliminates church aid, and accepts "totalitarianism" when it grants church aid.)



A STRIFE-TORN LAND

They want ninety million dollars and not a penny less! A recent move by the Belgian government to pare down the annual subsidies to Roman Catholic schools was countered with large scale riots organized by Social Christian (Roman Catholic) Party leaders, as in the above scene on a Brussels street. Police charged with drawn dull-edged sabres at rioters who hurled firecrackers, oranges, tomatoes and other missiles. At Couillet a public school was set afire by the mob. The government, long-accustomed to giving tax money to religious schools, is only seeking to lighten the huge burden to a moderate extent, yet even this cautious move has been met with the threat of revolutionary violence. The people of the United States and their elected representatives will do well to heed this lesson and maintain our constitutional system of church-state separation inviolate.

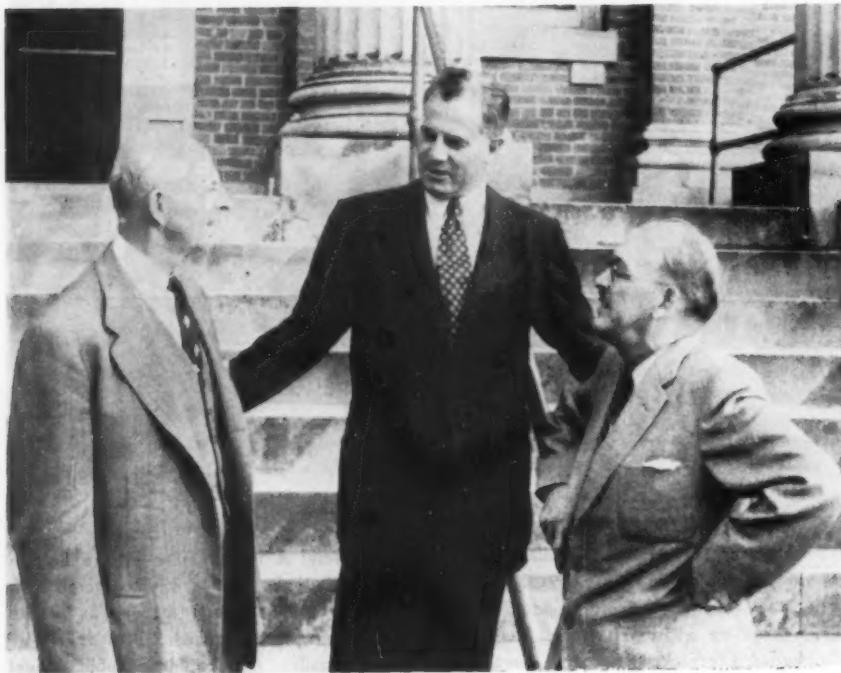
## Bus Plans Succeed In Three States

While proposals for tax-supported parochial school bus transportation have recently been defeated in Missouri, New Hampshire and Vermont (see story on Missouri in this issue; also, *Church and State*, April), successful bids for such misuse of government funds have been made in Maryland, Massachusetts and New Mexico.

The Massachusetts Supreme Court held that under a 1950 amendment to the state school transportation law, school boards must provide transportation for private and religious school pupils who travel distances comparable to that travelled by public school pupils. The decision, written by Justice Raymond S. Wilkens, was on a petition presented by five Plymouth families whose children attend Roman Catholic schools.

Maryland Governor Theodore R. McKeldin signed a bill permitting Talbot County commissioners to apply public funds to the payment of a \$44-per pupil cost incurred by carrying parochial school pupils. (In Maryland, the state legislature enacts measures for individual counties.)

## YOUTH MUST BE SERVED



A visit to the campus of the Southeastern Baptist Theological Seminary at Wake Forest, N. C., was made recently by Dr. William A. Cook (above, left) and Executive Director Glenn L. Archer (center) in company with Dr. Edwin McNeill Poteat (right), minister of the Pullen Memorial Baptist Church at Raleigh and president of POAU. As part of its continuing campaign to reach young men and women, POAU provides a panel of speakers for appearances before campus groups.

## Mixed-Marriage 'Veto' Assailed by Blanshard

"Seven Deadly Sins" of Roman Catholic mixed-marriage policy were listed recently by Paul Blanshard during an address at a POAU meeting in Florida. Blanshard, author of "American Freedom and Catholic Power," said the seven "sins" were:

1. Absolute priestly veto power over the right of a Catholic to marry a non-Catholic.
2. Discrimination against the religion of the non-Catholic by the exaction of a pledge that unborn children shall be reared as Catholics.
3. Coercive brain-washing in six priestly lessons in the principles of Catholicism for the non-Catholic, with no reciprocal lessons for the Catholic in non-Catholic principles.
4. Un-American teaching that the marriage of a Catholic by a Protestant clergyman or public official is null and void.
5. Absolute prohibition of birth control for the non-Catholic as well as the Catholic party.
6. Imposition of the Catholic child-birth doctrine of the equality of mother and fetus.
7. Potential conquest of the United States within 150 years by the mixed-marriage technique of coercive proselytizing.

New Mexican Governor John Simms signed a bill permitting county commissions to make individual contracts with bus drivers covering the costs of private and parochial school transportation out of general funds. School district buses are not affected, and by this strategem drafters of the bill hope to forestall possible constitutional challenge. The *Baptist New Mexican* condemned the bill as one which "strikes at the heart" of church-state separation.

## Philippine Board Bans 'Martin Luther' Film

*Martin Luther*, prize-winning film which has been seen by millions in various countries during the past two years, has been banned by the Philippine Board of Review for Motion Pictures after months of controversy. To soften the blow, President Ramon Magsaysay authorized showing of the film in Protestant church buildings. Similar action was taken last year in Quebec, Canada, and boycott tactics have been attempted (though unsuccessfully) in the United States against theaters showing the popular picture (*Church and State*, February and April, 1954).

"The film glorifies one religion at the expense of another," the Philippine review board chairman said in justifying the ban. He held that free showing would lead to social conflict.

Strong opposition to the ban came from the Philippine Federation of Christian Churches, which declared that the board was zealous to suppress religious controversy but allowed local theaters to be "flooded" with sex and gangster films.

The producers, Lutheran Church Productions, said in a statement by Executive Secretary Robert E. A. Lee in New York: "Our position is that the film is in the Philippines for public showing. We are greatly disappointed and disturbed by the ban, and we interpret it as a violation of the freedom of expression which we know is cherished by the Filipinos."

Church and State is now in its eighth year.

## Arizona Legal Opinion Outlaws Bible Classes

"May a [public] high school give high school credit to pupils for classes that are non-denominational in nature but deal only with historical aspects of the Bible?" This question, asked by Arizona Superintendent of Public Instruction C. L. Harkins, was answered in the negative recently by State Attorney General Robert Morrison and Assistant Attorney General Melvin J. Mirkin. Concluding that the "intended course is such religious instruction as is prohibited by our Constitution, and high school credit may not be given therefor," they cited the following state constitutional provisions as authority:

Article 2, Section 12— "... No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction. . . ."

Article 11, Section 7—"No sectarian instruction shall be imparted in any school or state educational in-

stitution that may be established under this Constitution. . . ."

Article 20, SEVENTH—"... public schools, . . . shall be . . . free from sectarian control. . . ."

Noting that similar courses have been approved in some states, the Arizona opinion remarked that in those states the "reasoning was that it was not the 'Bible' itself, but the various interpretations thereof that applied the taint of sectarianism," but added that "those states did not have the constitutional prohibitions of Article 2, Section 12 of the Arizona Constitution as stated above." The opinion then cited a Washington State Supreme Court decision, based on an identical provision, which held that not only "religious exercise" and "instruction" were prohibited, but also "their natural consequences—religious discussion and controversy." (State vs. Frazier, 173 Pac. 35, 37.)

The Arizona opinion also observed: "Moreover, what is meant by the 'Bible'? Is it the St. James Version? Is it the Douay Bible? Is it the original Hebrew Bible, i. e., the Old Testament which is written in Hebrew, or the Vulgate version thereof? Does it include the Book of Mormon?" The Attorney General said that he would not "pretend to answer these questions."



## Richmond Council Moves To Offset Tax Rulings

Church food sales will be exempt from city license requirements under a bill recently introduced by six of the nine Richmond, Virginia, City Councilmen. They acted after City Attorney J. Elliott Drinard held that St. Paul's Episcopal Church and the Central Young Men's Christian Association would be required to obtain food licenses, and that Baptist Hall and the City Baptist Association would be liable for boarding house license and real estate taxes, respectively, under existing law. The opinions were rendered at the request of City Assessor J. Edward Rountree and License Inspector D. Andrew Welch, and their implications were of concern to scores of churches holding properties and operating enterprises valued at "many millions of dollars."

In Opinion No. 1312 (March 31) Drinard held that St. Paul's Episcopal Church, in making Lenten meals "available to the public at a price" each year, "profits accruing therefrom being used for religious, benevolent, charitable or eleemosy-

nary purposes," was nonetheless liable for the food license tax under Section 10-105 of the city license tax ordinance. He pointed out that no exemption was made in the law for profit-making activities of charitable organizations, and cited the case of *Commonwealth of Virginia v. Wytheville Knitting Mills Employees' Welfare Association* (January 25, 1954) as "compelling authority." "The exemption provided in §183 of the Constitution of Virginia and in §58-12 of the Code," Drinard observed, "relieves churches and religious organizations from property taxes only."

Opinion No. 1313 was issued concurrently with No. 1312 and was similar in import. It held that the Central YMCA's operation of a snack bar and provision of additional meal service to clubs and groups made it "liable for a retail merchant's license on a part of their business, and for a restaurant license on the other part of their business." In addition to the *Wytheville* case, the opinion also cited *Commonwealth v. Lynchburg Young Men's Christian Association* (1914) as precedents.

Opinion No. 1317 (April 13) held that Baptist Hall and the City Baptist Association, both being corporations, were liable for real estate taxes as well as lodging house license taxes on the \$18,000 annual income realized from the property. Drinard pointed out that "no church can be incorporated" under Section 59 of the Virginia Constitution, and held that the two corporations could not claim that they were "religious" in nature under the law.



## New POAU Service

To increase its service and secure wider coverage POAU is distributing short news-commentaries each month to interested churches for use in their bulletins or in special editorial columns of religious journals. (Items run 100-200 words in length.) If you know of any organization that POAU should reach with this service, send the name and address to Dr. William A. Cook at national headquarters.



## 5-Year Index Ready

The index to *Church and State* for the five years 1948 through 1952 (Volumes 1 through 5) is now off the press. Fifteen pages in length, the cumulative index may be obtained from POAU headquarters at 10c a copy.

## Church 'Gives' School, But Expects to Gain

Rent-free use of a Roman Catholic parochial school building has been "given" for a year to the public education board of Central School District 2 in New York State to help ease a classroom shortage. The building, belonging to the Church of St. Francis of Assisi at Mount Kisco, was originally sought by public authorities at a proposed rental of \$4,000 a year, but the pastor, Msgr. James A. Boyle, announced after consultation with the Chancery Office in New York City that the church would donate the building for one year's use. (A new parochial school is being built to accommodate 400 pupils, and a new central public high school is also being built.)

It is a mistake to accept this arrangement at face value as a simple gesture of good will. Alert citizens should demand that their communities shoulder the responsibility for providing adequate public school facilities out of public funds. Then there would be no need for seeking "favors" from sectarian institutions interested in developing a public conception of parochial and public schools as part of the same system, equally entitled to tax support. Even if all religious symbolism is removed from the building, people will still think of it as the old parochial school, now serving the public. And certainly, the earlier proposal of the public authorities for payment of rent to the sectarian institution showed a woeful disregard of the principle of separation of church and state!

## Argentine Church Created Own Trouble, POAU Holds

Argentina's church-state struggle is "today's Frankenstein story—the classic picture of a church threatened by a monster of its own creation," POAU Executive Director Glenn L. Archer declared on April 6. In a statement which also analyzed current developments in Belgium and Germany, Archer asserted that the same "ambitions" are causing the Roman Catholic Church in those countries to make the "mistakes" it has made in Argentina. The statement, entitled "Equally Wrong," follows:

### Equally Wrong

In a Lenten pastoral letter the Roman Catholic bishops of Argentina have bemoaned the fact that "public servants have been removed from their posts [by the Peron Regime] for religious motives." How ironic! The dictator who did the removing, President Juan D. Peron, was eligible for his office under the Argentine Constitution only upon the understanding that he was an adherent of "the Roman Catholic Apostolic Faith." In other words, religious discrimination is the law of the land under the system of church-state union which the Roman church itself insists upon—and it is in no position to call for "justice" when it shares power, and therefore, guilt, with a totalitarian ruler.

"There is totalitarianism of the right and the left, and from the moral and religious point of view they are equally wrong." This sound observation was made more than six years ago by the Rev. Jose Maria Dunphy, then pastor of a Roman Catholic parish in Buenos Aires. His criticism of "un-Christian" acts of the Peron government led to his dismissal from the church by Santiago Luis Cardinal Copello, primate of the country, who thus dutifully upheld his end of the bargain between church and state. The cardinal also suppressed other priests, publications and activities which were displeasing to his partner in crime, Juan Domingo Peron. By contrast, Father Virgilio Filippo, a Peronist member of the Chamber of Deputies, could even propose that the country's dictator be nominated for the Nobel Prize

and remain in excellent standing as a priest of the church.

While demanding continued freedom—and more than freedom—for themselves, the Argentine hierarchy also demands continued suppression of non-Catholic religions. The bishops' pastoral letter protests, among other things, the fact that "authority has been granted to the propagandists of dissident cults, who should limit themselves to attending those of their confession, to be able henceforth, with all facility and freedom, to carry on their proselytizing in official establishments in which the Catholic element undoubtedly predominates so as to bring apostasy to those of the true faith." The bishops demand continued monopolistic control of education according to "a national law which prescribes an education that is genuinely Catholic." They demand that the government continue to subsidize Roman Catholic institutions and maintain the official church "establishment" in the most complete sense. If Dictator Peron acceded to these demands, they would have no objections to his dictatorship.

If it is wrong to exclude Roman Catholics from public office on religious grounds, it is equally wrong to exclude non-Catholics from office on religious grounds. If it is wrong to suppress Roman Catholic proselytization, it is equally wrong to suppress non-Catholic proselytization. Father Dunphy spoke truly, "There is totalitarianism of the right and the left, and from the moral and religious point of view they are equally wrong."

Events in other countries reveal that Roman Catholic leaders, in spite of the lesson of Argentina, are continuing to make the same mistakes, motivated by the same ambitions. The recent bloody riots in Bel-

gium demonstrate clerical readiness to use force to achieve the aim of continued monopolization of education at government expense. Similarly in the provinces of Germany the Roman Catholic Church is demanding that the educational provisions of the 1933 concordat with Hitler be "honored." At the same time, the fact that five evangelical churches have just signed an agreement with the government of Lower Saxony for state subsidization of pastors' salaries and other church expenses, shows that the Roman church is not the only one which is susceptible to the fatal lure of state support. In England and the Scandinavian countries, too, "established" Protestant churches have found their freedom limited because of the very fact of their "establishment"—although they have not suffered the violent reversals experienced by the Roman Catholic Church because their union with the state is a watered-down version.

Thus history continues to demonstrate, over and over again, how truly fortunate is America in having her system of separation of church and state under which freedom is guaranteed for everyone. Let us hold on to this system for dear life! To abandon it is to make possible future embroilment in devastating church-state struggles, national disunity, the deterioration of our public schools and an end to the greatness of what is still the greatest land on earth.

### Priests Should Control A-Bomb, Says Priest

"Half-educated" scientists have no business trying to influence the world towards "moral" uses of the atomic forces which they have discovered because that is the special prerogative of theologians. So contended the Rev. Robert Henle, S. J., at a press conference held during the 52nd annual convention of the National Catholic Educational Association in Atlantic City. Mentioning Albert Einstein, J. Robert Oppenheimer and F. S. C. Northrop (Yale philosophy and law professor) by name, Father Henle said that such men could not be "authorities" outside their own fields and implied that only priests had "wisdom enough" to make a moral decision on use of the A-bomb.

As it happened, his remarks were made only a few days before Einstein's death, when newspapers the world over were moved to pay tribute to a figure whom many considered to be the greatest of our age—a man whose wisdom and humanitarianism were inseparable components of his greatness. In reviewing his life, they pointed out that he never professed to speak with "authority" on any subject but asked only that his ideas and the evidence upon which they were based be accepted or rejected upon their naked merits. By contrast, a self-assumed "authority" is the crutch upon which men like Father Henle rely in attempting to foist their will upon the world.

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